

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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SAFE STEP WALK-IN TUB CO.,

Plaintiff,

-against-

CKH INDUSTRIES, INC.,

Defendant.

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**ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION AND  
TEMPORARY RESTRAINING ORDER**

Civil No. 15-cv-07543 (NSR)

Upon the affidavit of Donald J. Feerick, Jr., Esq., duly sworn to on the 15<sup>th</sup> day of October, 2015, the affidavit of Scott Keegan, duly sworn to on the 13<sup>th</sup> day of October, 2015, and the exhibits annexed thereto, upon the pleadings heretofore served and filed, including the Counterclaims, and upon the accompanying Memorandum of Law, dated October 15, 2015, it is

ORDERED that the above named Plaintiff show cause before a motion term of this Court, at Room 218, United States Courthouse, 300 Quarropas Street, in the City of White Plains, County of Westchester and State of New York, on October \_\_\_, 2015, at 9:30 in the forenoon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure ("FRCP") enjoining the Plaintiff, its principals, employees, agents and servants, during the pendency of this action from, *inter alia*, breaching the franchise dealership agreement dated May 17, 2009, preventing or otherwise cutting off the delivery of customer leads to Defendant, invading Defendant's exclusive territories in any fashion whatsoever, and otherwise depriving Defendant of business opportunities secured to it by virtue of a contractual agreement regarding the marketing, sale, distribution, installation, and warranty servicing of walk-in tubs and related products including,

but not limited to, performing installations or warranty services for customers in the Defendant's exclusive territories; and it is further

ORDERED that sufficient reason having been shown therefor, pending the hearing of Defendant's application for a preliminary injunction, pursuant to FRCP Rule 65, the Plaintiff, its principals, employees, agents and servants, are temporarily restrained and enjoined from, *inter alia*, breaching the franchise dealership agreement dated May 17, 2009, preventing or otherwise cutting off the delivery of customer leads to Defendant, invading Defendant's exclusive territories in any fashion whatsoever, and otherwise depriving Defendant of business opportunities secured to it by virtue of a contractual agreement dated May 7, 2009 regarding the marketing, sale, distribution, installation and warranty servicing of walk-in tubs and related products, including, but not limited to, performing installations or warranty services for customers in the Defendant's exclusive territories; and it is further

ORDERED that sufficient reason having been shown therefor, pending the hearing of Defendant's application for a preliminary injunction, pursuant to FRCP Rule 65, the Plaintiff, its principals, employees, agents and servants, must immediately account for and turn over to Defendant forthwith any and all customer leads received from any advertising campaign for customer in the Defendant's exclusive territories that have already been withheld, misappropriated, diverted or converted; and it is further

ORDERED that security in the amount of \$\_\_\_\_\_ be posted by the Defendant prior to the close of business on October \_\_\_, 2015, at 5:00 o'clock in the afternoon of that day; and it is further

ORDERED that personal service of a copy of this Order and annexed affidavits upon the Defendant or his counsel on or before October \_\_\_\_, 2015, at \_\_\_\_ o'clock in the noon, shall be deemed good and sufficient service thereof.

Dated: New York, New York  
October \_\_\_\_, 2015

Issued: \_\_\_\_\_

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Hon. Nelson S. Román, U.S.D.J.